

Office of the
INSPECTOR GENERAL



R E P O R T O F I N V E S T I G A T I O N

File Number: 07-003

Agency: Georgia Building Authority

Basis for Investigation: Agency Request for Assistance

Allegations: Misuse of State Property, Mismanagement,
Abuse of State Time and Attendance

Date Opened: January 25, 2007

Investigated By: Phil Walker, Deputy Inspector General
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Date of Report: April 18, 2007

Elizabeth P. Archer, Inspector General

OFFICE OF THE INSPECTOR GENERAL



File Number: 07-003

EXECUTIVE SUMMARY

On January 4, 2007, Georgia Building Authority (GBA) Executive Director Gena Abraham contacted the Office of Inspector General (OIG) requesting assistance regarding the potential misuse of GBA resources by an employee in the Access Control Services Division. Specifically, OIG investigated whether GBA employee, Mark Mashburn, was using state resources (i.e. a state issued Blackberry and vehicle) for personal use. During the course of this investigation, additional matters were discovered relating to Workers' Compensation. OIG interviewed state employees and GBA service providers. We reviewed policies and procedures, official files, Blackberry/Telephone records, computer records, time and attendance records, parking records and GBA Access Control reports. OIG also worked with officials from the Department of Administrative Services.

Our investigation disclosed that over a course of nine months, Mashburn checked out state vehicle under the guise of doing state business, but in actuality was visiting his girlfriend in Bremen, Georgia. OIG also discovered that Mashburn used his state issued Blackberry/Telephone for excessive personal use. Our investigation revealed that had ACS supervisors been fully engaged, they would have quickly discovered the abuse, which was readily apparent.

OIG makes the following recommendations to GBA and requests that GBA provide a written response within 30 days of the issuance of this report regarding implementation of these recommendations.

- 1) GBA should develop and implement a policy to address the use of hand held wireless devices, such as Blackberry's. If said policy is implemented, GBA employees' should be required to sign a statement acknowledging their understanding of the terms of appropriate usage.

- 2) GBA supervisors should periodically review Blackberry records for excessive personal use and unusual usage patterns.
- 3) GBA should evaluate Blackberry assignments based on the employees' job descriptions to determine if need is warranted and/or cost effective.
- 4) GBA should evaluate Blackberry usage plans agency wide to insure that the current plan is cost-effective.
- 5) GBA supervisors should ensure that employees' are properly documenting leave/compensatory usage through established leave forms.
- 6) GBA supervisors should be required to periodically review the motor pool logs for excessive personal use, excessive mileage and unusual usage patterns.
- 7) GBA should periodically review Employees' Labor Detail Reports to assist them in monitoring and tracking productivity.
- 8) GBA should pursue training opportunities in the area of Workers' Comp for increased knowledge and understanding of the process. It is imperative that these training efforts extend to supervisors, division directors, human resources, legal staff, and all employees
- 9) GBA Human Resources should be more responsible in communicating with Workers' Comp staff, as well as with the injured employee, throughout the duration of a Workers' Comp claim. In addition, Human Resources should be diligent in documenting any initial communications with the injured employee regarding their Workers' Comp claim.
- 10) GBA should consider instituting a written practice where an "Implementation Team" consisting of supervisors, safety officials, Legal, Human Resources, and others in identified key roles within the agency, would be required to sign a form acknowledging that an employee has been placed in a restricted duty position. These concerned parties should act in unison while reviewing all aspects of the employee's job and responsibilities and make necessary adjustments to prevent further accident and limit liability.



Report of Investigation

File No. 07-003

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**Summary of Actions
File Number 07-003
Georgia Building Authority**

I. BASIS FOR INVESTIGATION

On January 4, 2007, Georgia Building Authority (GBA) Executive Director Gena Abraham contacted the Office of Inspector General (OIG) requesting assistance regarding the potential misuse of GBA resources by an employee in the Access Control Services Division. Specifically, OIG investigated whether GBA employee, Mark Mashburn, was using state resources (i.e. a state issued Blackberry and vehicle) for personal use.

During the course of this investigation, OIG discovered additional matters which are addressed in this report.

II. ACTION TAKEN IN FURTHERANCE OF INVESTIGATION

OIG interviewed state employees and GBA service providers. We reviewed policies and procedures, official files, Blackberry/telephone records, computer records, time and attendance records, parking records and GBA Access Control reports. OIG also worked with officials from the Department of Administrative Services (DOAS).

III. NARRATIVE

A. BACKGROUND

GBA is a state-funded authority responsible for the management of buildings and facilities located in the Capitol Hill Complex in Atlanta. GBA provides maintenance, renovation, housekeeping, landscaping, food service, event catering, recycling, parking, and access control services to state employees housed in their managed facilities.

The Access Control Services Division (ACS) within GBA is responsible for issuing staff identification badges, access cards, and keys to GBA facilities. ACS consists of two supervisors, two locksmiths and one access control specialist.

B. GBA's INITIAL INVESTIGATION

In October 2006, GBA's Assistant Facilities Director received information that a GBA commuter van (vehicle #164) had been seen on numerous occasions "in and around" Bremen, Georgia. Upon learning of the information, he reviewed the motor pool logs for vehicle #164 and determined that Mark Mashburn, a locksmith in ACS, was the driver. He stated that this caused him some concern because he had supervised Mashburn's

section for a number of years and knew that there was no work-related reason for Mashburn to be in Bremen. He stated that he informed Mashburn's Division Director, Diane Hale, of his findings. However, he did not inform Mashburn's immediate supervisor, Sam Bunn. When asked why, he stated, "Well, it was just a rumor."

In December 2006, the Assistant Facilities Director claims he participated in a "discussion" with GBA Deputy Commissioner Steve Fanczi, Human Resources Director John Jurkiewicz and Division Director Hale regarding his findings on Mashburn. He did not provide OIG with the details of their discussion. Bunn was not present at the meeting, due to the fact that he was on sick leave for most of December.

On December 14, 2006, a private investigator, hired by DOAS to conduct a surveillance video on a workers' compensation claimant who lived in Bremen, video taped Mashburn driving GBA vehicle #170. GBA motor pool records show that vehicle #170 was signed out by Mashburn on Thursday, December 14, 2006, from 9:30 a.m. to 3:00 p.m. According to the motor pool records, Mashburn claimed he was at Best Access in Tucker, Georgia.

On Thursday, January 18, 2007, the Assistant Facilities Director, who lives in Bremen, stated that he personally observed Mashburn driving a GBA vehicle in Bremen. He claims he saw Mashburn turning into the driveway of the workers' comp claimant's home. He immediately contacted GBA officials to apprise them of the situation. Again, however, Bunn was not contacted.

C. GBA MOTOR POOL LOGS

OIG requested Mashburn's motor pool logs from July 2006 to January 2007. The logs revealed that Mashburn checked out a vehicle 66 times over the course of nine months. Seventeen of those times he signed out a vehicle claiming as his destination a metro Atlanta vendor. Eleven times he signed out the vehicle claiming as his destination the "Complex." We learned that the Complex encompasses the Capitol area state buildings as well as the Murphy Avenue and Pullman Yard locations, and is approximately eight square miles. Mileage from the Complex to vendors Mashburn frequently listed as his destination(s) is as follows.

- ADI 13.1 miles
- Best Access 17.1 miles
- Acme Security 4.2 miles

In many instances, Mashburn would record both the Complex and a local vendor on the same day. The following is a breakdown of miles logged according to dates and destinations.

DATE	DESTINATION(S)	MILES LOGGED
July 25, 2006	Complex	80
August 25, 2006	Complex	50
October 13, 2006	ADI	97
October 19, 2006	Complex	100
November 21, 2006	ADI	97
December 1, 2006	ADI	98
December 4, 2006	ADI, Best Access, Complex	81
December 11, 2006	Complex	100
December 13, 2006	ADI, Best Access, Complex	102
December 14, 2006	Best Access	98
December 15, 2006	Best Access, Acme	101
December 21, 2006	Complex	109
January 2, 2007	Complex	55
January 4, 2007	Complex	105
January 5, 2007	Best Access	51
January 8, 2007	ADI, Best Access, Complex	50
January 9, 2007	Best Access, Complex	44
January 10, 2007	ADI, Best Access	61
January 11, 2007	ADI, Best Access (twice), Complex	141

D. FACTS REVEALED BY VENDORS

As part of our investigation, OIG requested that ADI, Acme Security, and Best Access run a records search on Mashburn using the dates listed on the motor pool log. All three businesses reported no record of Mashburn purchasing or picking up items on the dates listed. Furthermore, when cross referenced against Mashburn's purchasing card transactions with the dates listed on his log, we found that the dates of travel did not reconcile with the business transactions recorded.

E. INTERVIEW of SAM BUNN

On January 30, 2007, OIG interviewed Sam Bunn, Mashburn's immediate supervisor. Bunn has been a GBA employee for 22 years. Currently, he is the manager of the ACS

division. According to Bunn, his division includes the Key Shop and the Card Key unit. He supervises three employees, including Mashburn. Bunn stated that he has known Mashburn for 12 years and has supervised him for the last six. He stated that Mashburn worked in his division as a locksmith. Mashburn's duties consisted of keying and installing locks, cutting keys and meeting with agency coordinators concerning projects. He was also the ACS work order coordinator. As the coordinator, Mashburn was responsible for disbursing work orders to other ACS employees who reported to him. Mashburn's work hours were 7:30 a.m. - 4:00 p.m., Monday through Friday. According to Bunn, Mashburn's duties required him to be on-site and accessible to the other members of his team.

We asked Bunn if his employees used the GBA vehicles in the course of their duties. He stated that it was not uncommon for his employees to use a vehicle, given the size of the Complex and the fact that they had to occasionally pickup parts from a vendor. However, his employees had to have a work order to check out a vehicle. Bunn stated he relied on his employees to tell him via radio what they were doing during the day, since he was out of the office 65 percent of the time. He stated that when he "sent an employee somewhere, [he] knew where they were." Bunn stated that if he was not in, Scott Walker, "a supervisor in Parking Services," was the designated backup supervisor. However, when OIG contacted Scott Walker to verify this information, Walker stated that he was not Mashburn's supervisor and had never been informed by management that he was the designated backup supervisor. Diane Hale, Mashburn's division director, also confirmed that Walker was not the backup supervisor.

We provided Bunn with a copy of Mashburn's vehicle logs for review. Bunn was surprised with the amount of mileage Mashburn accrued on the days he claimed he was at a business. Bunn stated that the mileage was inconsistent with the work Mashburn was required to perform. He could provide OIG with no other explanation for the excessive mileage. He claimed he "had no idea" Mashburn was checking out a vehicle with such frequency. We asked Bunn if Mashburn had any reason to be in Bremen during the work week. Bunn stated that there would be no reason for any of his employees, including Mashburn, to be in Bremen.

When asked whether he reviewed his employees motor pool logs for mileage inconsistencies, Bunn stated that he did not. According to Bunn, he is not provided a printout of the records from the motor pool, nor is he notified by the motor pool when one of his employees checks out a vehicle.

We asked Bunn how he tracks his employee's productivity, given that he is not located in the same office as his employees. He stated that he uses a computer tracking program known as "Maximo" to track productivity. We learned that one of Maximo's features is that it generates an Employee Labor Detail Report (ELDR). This report tracks by date, work order number, and total hours, how an employee spends his time. According to Bunn, it was Mashburn's responsibility as the ACS coordinator to input the data for his team.

As part of our investigation we requested the ELDR's for Mashburn and the other members of his division. The reports revealed that from July 1, 2006 through January 31, 2007, Mashburn recorded 36.75 hours of work time, even though he had 526.8 available work hours. However, his co-worker during the same period, documented 235.3 hours. When we informed Bunn of our findings his response was, "by those numbers it's clear he wasn't pulling his load."

During the course of our investigation, we also interviewed several ACS employees. They stated that Mashburn was frequently absent during the workday. His co-workers reported that Mashburn would leave mid-way through a job, sometimes in a GBA van, stating "he had somewhere to go." They stated that Mashburn would never go into detail regarding his whereabouts. One employee remarked, "Mark rarely came back to finish a job."

F. INTERVIEW of GBA's MOTOR POOL SUPERVISOR

On February 7, 2007, OIG interviewed GBA's Motor Pool Supervisor. He has been employed at GBA for 18 years, and has served as the Director of Motor Pool Services since 1998. He currently supervises four employees. As part of his duties, he manages 60 GBA vehicles, 69 GRTA commuter vans and other miscellaneous equipment. We asked him if he was aware of the allegations regarding Mashburn misusing his state vehicle. He stated that when OIG commenced its investigation, he was asked by the Assistant Facilities Director to provide vehicle records on Mashburn dating back to July 2006. He stated that prior to this request, he had never been asked to retrieve historical records dating back further than the previous week.

He stated that GBA's current record keeping system is designed to track which employee is in which vehicle in the event there is a parking issue, and he needs to reach them. He stated that the only reason mileage is documented is for Fleet Inventory records showing odometer readings and fuel usage, not to show misuse. He stated that mileage has never been monitored or analyzed by GBA officials. Since he has been employed at GBA, no director has ever instructed him to review vehicle usage for "red flags" or to question employees on excessive mileage. In fact, in the 18 years he has worked with GBA, no supervisor has ever asked him to conduct "any type" of review concerning vehicle usage. When asked how many vehicles are typically checked-out on a daily basis he stated, "about 20."

We asked him if he had an opportunity to review Mashburn's mileage. He stated that on the days Mashburn claimed he was going to a business, he noticed that he logged approximately 100 miles. He stated that at first glance it did not appear unreasonable. However, he said it was not his responsibility to question any employee to determine the validity of the miles driven on a particular day.

We asked if he had spoken with Mashburn concerning the investigation. He stated that when the investigation commenced Mashburn informed him that he was concerned for his job, and feared that GBA was going to turn-on the GPS tracker on his Blackberry to

monitor his whereabouts. He claimed that Mashburn also called him at home wanting to know if anyone had requested his mileage logs. He informed Mashburn that he had to provide vehicle information on all vehicles, including the mileage logs, because of the new automated database.

He stated that GBA was planning on implementing a new database designed to assist in vehicle check-in/out procedures, minimize paperwork, and capture information including employee name, date, vehicle number, destination, and odometer reading. He stated that one of the reasons the agency wanted to implement the automated system is so that supervisors can “view” their employee’s vehicle usage.

He also stated that the GBA policy regarding Motor Pool procedural guidelines is currently being revamped by Director Abraham. However, it would probably not be reissued until the new automated system is implemented. He stated that he has become increasingly aware that changes need to be made in the agency for increased efficiency and accountability reasons. He stated that he anticipates a positive outcome once the automated system is implemented.

G. MISUSE of STATE ISSUED BLACKBERRY

During our investigation, we received information that Mashburn frequently used his Blackberry, a handheld wireless device, for personal use. OIG requested Mashburn’s Blackberry records from October 2006 to February 2007. The records revealed that over the course of four months, Mashburn totaled 2650 incoming and outgoing phone calls. Our investigation also revealed a significant increase in phone activity after normal business hours and on weekends and holidays. Many of Mashburn’s calls were personal in nature. A chart depicting his Blackberry usage is set forth below.

BLACKBERRY PHONE			
Number of Months	Total Calls - In/Out & Voice Messaging	Calls After Work Hours	Weekend & Holiday Calls
4	2650	492	701

On March 15, 2007, OIG interviewed Alan Perry, Interim Director of Information Technology at GBA. The purpose our interview was to determine what policies and procedures GBA had in place regarding the misuse of electronic devices. Perry informed OIG that GBA currently does not have a policy addressing the use of electronic devices. When asked if GBA has the ability to determine if someone is misusing their Blackberry, Perry stated that unless the agency as a whole exceeded their 20,000 minutes a month, there would be no “red flag.”

According to Perry, GBA presently also does not have the “electronic” capability to break down the minutes by user. In order to get the information, GBA would have to print each employee’s paper bill. However, Perry stated that GBA has recently requested that their carrier send the information in an electronic format to identify possible misuse.

H. MARK MASHBURN’S ACCIDENT

Before we had an opportunity to interview Mashburn, he was involved in a car accident on February 9, 2007, while using another state employee’s personal vehicle. Although the circumstances surrounding the nature of the accident are not something this office would typically look into, we view the incident as another example of the lack of personnel supervision in the ACS division.

OIG learned that on February 7, 2007, Mashburn approached his Division Director, Diane Hale, claiming he was having “medical” problems. Hale instructed him to speak to HR Director John Jurkiewicz. Jurkiewicz confirmed to OIG that, based on his conversation with Mashburn, he issued a letter on February 7th barring Mashburn from driving any GBA vehicles. According to Jurkiewicz, he forwarded the letter to Division Director Diane Hale, the Assistant Facilities Director and the Director of Legal Services, Chris Tomlinson, via email no later than the following day.

On Friday, February 9, 2007, Hale contacted ACS looking for Sam Bunn. She was informed that Bunn, who is her direct report, was out on sick leave. She later called looking for Mashburn and was informed that he was not in the office. She left a message for Mashburn to call her upon his return. Later that morning, she was informed that Mashburn had called looking for Bunn. Mashburn left a number where he could be reached and asked his co-worker to have Bunn call him. Because Bunn was on leave, Hale called Mashburn. Mashburn informed her that he had been in a car accident in a friend’s personal vehicle. Hale learned that the accident took place at 10:30 a.m., in Carrollton, Georgia, when Mashburn was supposed to be at work.

Hale informed OIG that no one had given Mashburn permission to be out of the office that morning. In fact, no one in the office knew he was gone. Furthermore, she could find no signed documentation authorizing him to be on leave.

It should be noted that Mashburn was often the driver of a GRTA commuter van. As such, OIG asked the Motor Pool Supervisor if he was made aware of Mashburn’s driving restrictions. He stated that on the afternoon of February 8th, Mashburn approached him regarding whether he could drive the commuter van if his state driving privileges were restricted. He responded affirmatively, based on Mashburn’s question. When asked if GBA had informed him of any restrictions prior to his conversation with Mashburn, he stated that no GBA official had informed him orally or in writing of any restrictions. According to him, on the morning of February 9th he asked the Assistant Facilities Director whether Mashburn’s driving privileges had been restricted. The Assistant Facilities Director stated that he was aware of Mashburn’s driving restrictions, but had not received official notification. Later that morning, the Assistant Facilities Director emailed the Motor Pool Supervisor confirming Mashburn’s restrictions.

I. INTERVIEW of DEPARTMENT OF CORRECTIONS EMPLOYEE

On February 15, 2007, OIG interviewed a Department of Corrections employee regarding Mashburn's car accident. Our investigation revealed that it was this employee's vehicle that Mashburn was using at the time of his accident. When asked how she knew Mashburn, she stated that she and her husband had been friends with Mashburn for years. She stated that on the morning of February 9, 2007, Mashburn came to her office and asked to borrow her vehicle to take his "girlfriend" to lunch. Since he had borrowed her car in the past without incident, she agreed. When asked how many times, she stated "at least five times within the last five months." She stated that the day before the accident, which was Thursday, February 8, Mashburn had requested to use her vehicle to visit his girlfriend. She stated that she could not recall when Mashburn would typically return the vehicle, but it was usually before her official workday ended at 3:30 p.m.

A review of Mashburn's "Access Card Activity Report" for February 8th showed that Mashburn left her parking deck in the early morning and returned at 3:30 p.m. The records reflect that Mashburn used his universal access card to override the system to get into the parking deck. His Blackberry phone records also show that he called her moments before returning her vehicle. We found no documentation showing that he took leave during this time.

OIG also examined Mashburn's "Activity Report" for February 9, 2007. The records reveal that Mashburn entered the Twin Towers West basement at 7:27:03 a.m., and exited the Twin Towers East basement at 8:50:38 a.m. The accident occurred at 10:30 a.m.

J. INTERVIEW of MARK MASHBURN

On February 23, 2007, OIG contacted Mashburn regarding the allegations. Before we began our interview, Mashburn informed us that he suffered from "memory loss" which made it difficult for him to recall specifics dates and times. He stated that it "was so bad" he would "find himself" in Bremen, Georgia, but could not recall how he got there. When asked how long this had been going on, Mashburn replied at least a year or more. However, he stated that he had not informed GBA officials of this condition until just recently.

When we informed him that we had documentation that showed he was misusing his state vehicle, Mashburn admitted that he was in violation of GBA policy. He stated that for the last year-and-a-half he has been involved in a relationship with a woman who works in Bremen. In order to see her, he would check-out a vehicle claiming he was going to a business to pickup parts. Mashburn stated that when he could not procure a state vehicle, he would borrow a personal vehicle from a friend. According to Mashburn, in the beginning of the relationship he would travel to Bremen twice a month using his state vehicle. It later evolved to twice a week. Mashburn said it usually took him three hours round trip. He stated that after visiting his paramour, he would stop the workers' compensation claimant's house to "see how he was doing." He also stated that he never

informed his supervisors or anyone else where he was going and when he would return. He stated that he made sure to return in enough time to “catch a ride home in the van.”

Mashburn stated it was very easy for him to leave because he had established a high level of trust with his supervisors. According to Mashburn, he was seldom questioned as to his activities and whereabouts. Mashburn admitted that he never submitted leave or used compensatory leave for the times he would visit his paramour.

Mashburn also admitted that he used his state-issued Blackberry to make and receive personal phone calls. He stated that he used his Blackberry to call former co-workers and friends. When asked why he did not use his own personal phone, Mashburn stated that he did not have a home phone or a personal cell phone. When asked why he thought he could use his state-issued Blackberry in this manner, he stated that his former supervisor gave him permission as long as it was not excessive. Mashburn stated that he was never asked about his Blackberry usage, so he assumed he was “okay.”

K. ADDITIONAL MATTERS ARISING DURING INVESTIGATION

As we investigated Mashburn’s misuse of state property, OIG uncovered other instances of mismanagement, specifically in the area of Workers’ Compensation.

WORKERS’ COMPENSATION

On February 1, 2007, approximately four weeks after our investigation commenced, we became aware that Mashburn had filed a Workers’ Compensation (Comp) claim for a December 18, 2006, on-the-job injury. Ordinarily, our jurisdiction would not include review of a workers’ comp matter. However, details began to surface causing OIG to recognize the existence of potential internal weakness within this area.

We reviewed official files and interviewed key employees within GBA and DOAS Risk Management Services Division (RMSD), the entity which oversees the Workers’ Comp program. We included this as part of our investigation in order to gain a clear understanding of how the workers’ comp process works overall and examine its interagency effectiveness.

▪ Overview of Workers’ Comp Program

Workers’ Comp is a benefits program created by state law that provides coordinated medical and income benefits, and in certain circumstances, rehabilitation to state employees injured on the job. A contracted Third Party Administrator, Key Risk Management Services, partners with RMSD, to manage all WC claims using a software program called OASIS Claims Management System. RMSD is also responsible for a “Return-to-Work” program, which offers a team approach among the employee, employer, physician, and Workers’ Comp claims management staff to help medically able employees return to work.

▪ **Chronology of Events Surrounding Mashburn's Workers' Comp Claim**

Our investigation included a peripheral review of the chronology of events surrounding Mashburn's December 18, 2006, on-the-job injury at GBA. Our investigation revealed that subsequent to the injury, Mashburn requested assistance from Scott Walker, Administrative Operations Coordinator 2. Upon seeing Mashburn and recognizing that he had been hurt, Walker reported the injury via the DOAS Workers' Comp Claim Line. During the conversation, both Walker and Mashburn spoke with the Claims Representative concerning the incident and an official claim number was issued on Mashburn's behalf. Walker also drove Mashburn to a nearby medical clinic for treatment. Mashburn returned to work on December 21, 2006, with physician orders to perform restricted work and "sitting" duty only. These work restrictions were never lifted by the physician and remained in place as late as February 19, 2007.

During his interview with OIG, Walker recalled either telephoning or personally communicating with a GBA Human Resources employee on December 18th regarding the details of Mashburn's injury, including Mashburn's Workers' Comp Claim Number and receipt of medical treatment. Walker stated that he also personally communicated with Mashburn's supervisors, Diane Hale and Sam Bunn concerning the incident. When asked if he had ever received training in the area of workers' comp, Walker stated that in the 20 years of working with the state, he could not recall receiving any workers' comp training. He stated that in lieu of formal training, he was fortunate to "know a lot of people and learned to ask questions in order to get guidance."

Our investigation confirmed that Walker notified the HR employee about Mashburn's Workers' Comp claim. The HR employee stated that she received a telephone call from Walker on December 18th regarding Mashburn's injury. When asked who she had informed, she stated that it is her normal practice to verbally inform her supervisor, HR Director Jurkiewicz, when an employee files a workers' comp claim. She was confident that her actions did not vary in this instance. She advised that Human Resources typically receives a WC1 Injury Report from DOAS Workers' Comp via fax subsequent to the issuance of a claim number. However, for reasons unknown to her, GBA Human Resources did not receive a fax from Workers' Comp pertaining to Mashburn's December 18th injury. She was, therefore, unaware of any physician ordered duty restrictions for Mashburn. OIG subsequently learned that during the month of December, the Workers' Comp staff had problems with their fax.

Our investigation revealed additional weaknesses after interviewing Bunn, Hale, and Jurkiewicz regarding Mashburn's Workers' Comp claim. Bunn advised OIG that he was on sick leave most of December 2006. He recalled returning to work in late December or early January, and being informed by Mashburn that he was on light duty resulting from an at-work injury. Apparently, Bunn did nothing upon learning this information. Hale advised OIG that she did not know that Mashburn filed a Workers' Comp claim, however, she recalled his return to work after receipt of medical treatment stemming from an at-work injury. She stated she did not know that Walker assisted Mashburn in obtaining medical treatment. Hale also told OIG that she recalled seeing Mashburn turn

in some type of medical slip to Bunn a couple of days after the injury. However, she did not look at the document nor did she inform Human Resources. Hale stated that she did not think Mashburn's "light duty" restrictions would have affected his ability to do his work.

During our follow-up interview with Jurkiewicz, he stated it was sometime around January 22-23, 2007, that he first heard a "rumor" about a work-related injury/incident involving Mashburn. According to Jurkiewicz, he did not officially know about the Workers' Comp claim prior to February 1, 2007, when he received an email from GBA's Deputy Director Steve Fanczi. Upon receipt of the email, Jurkiewicz began trying to obtain documentation concerning Mashburn's injury and resulting medical restrictions. He stated that he also "collected" information about the incident by speaking with individuals internal and external to GBA. However, throughout this process Jurkiewicz never spoke to Mashburn. In fact, our investigation revealed that on February 7, 2007, Mashburn initiated contact with Jurkiewicz.

During our interview with Jurkiewicz, he acknowledged a clear understanding that any official files maintained by the Workers' Comp Section are available to him as the HR Director, as a matter of state business. He also acknowledged the importance of open communication between the two agencies pertaining to any aspect of a Workers' Comp claim, including medical concerns. Specifically relating to work restrictions imposed by the physician in Mashburn's instance, Jurkiewicz reiterated that he did not "officially" learn about Mashburn's Workers' Comp claim until February 1, 2007. Reflecting on all of the Workers' Comp documentation he reviewed in relation to the claim, Jurkiewicz told OIG that he recalled seeing no mention of any issues that might necessitate further restrictions, such as operating a vehicle or equipment. According to Jurkiewicz, GBA has discussed with its managers on several occasions how to appropriately handle Workers' Comp issues.

Our investigation revealed that on February 1, 2007, while conducting a comprehensive review of GBA Workers' Comp claims, the DOAS Workers' Comp Manager discovered Mashburn's claim of December 18, 2006. Upon discovery, she emailed GBA Deputy Director Steve Fanczi. According to the Workers' Comp Manager, Fanczi was unaware of the Workers' Comp claim or the fact that Mashburn had related work restrictions imposed by the physician. Upon receipt of her email, Fanczi then emailed notification to Jurkiewicz in Human Resources and Chris Tomlinson in Legal Services, both of whom were unaware of the claim and Mashburn's resulting work restrictions.

IV. CONCLUSION

OIG appreciates Director Abraham's request for an investigation into the circumstances described in this report. Her willingness to identify problems and institute changes to address those issues confirms her known desire to operate a transparent and effective agency.

Our investigation revealed a complete lack of supervision in the ACS division. Despite receiving pay for full-time work, Mr. Mashburn on numerous occasions did not work a full eight-hour day. Mashburn used state owned vehicles and a Blackberry for his personal benefit, while placing the state at substantial risk for his activities. He was able to abuse his position, however, because as he stated, “no one was watching.” It should be noted that his flagrant abuse was only discovered through casual conversation by a former ACS supervisor and concerned citizens. But for this chance happening, there is no indication that Mashburn’s activities would have ever been discovered.

If the ACS supervisors had been fully engaged, they would have quickly discovered the abuse, which was so readily apparent. Merely checking Mashburn’s motor pool logs and monitoring his work would have revealed his activities and his lack of productivity. Given this lack of supervision, one wonders if the ACS division is truly cost-effective when one of its most trusted and senior members can disappear for hours and not be missed.

Although Mashburn was terminated, a culture still exists that encourages, or at least allows, a lack of accountability. Many of the people interviewed expressed an attitude of complacency and intimated that as long as Mashburn’s activities did not affect them directly, it was of no consequence to them. In fact, the overall acceptance of Mashburn’s activities was disturbing in that it conflicts with the general principles of being good stewards of the taxpayers’ money.

With regards to additional matters in Workers’ Comp, we also found internal weaknesses. Because of the lack of communication between GBA Human Resources and ACS supervisors, Mashburn’s Workers’ Comp claim went from December 18, 2006 to February 7, 2007, completely absent of the attention it should have received. In addition, despite the wealth of information on Workers’ Comp, our investigation revealed employees at all levels clearly do not understand the program or the role they play.

V. RECOMMENDATIONS

OIG offers the following recommendations to the Georgia Building Authority. We request that GBA provide a written response regarding implementation of these recommendations within 30 days of the issuance of this report.

- 1) GBA should develop and implement a policy to address the use of handheld wireless devices, such as a Blackberry. If said policy is implemented, GBA employees should be required to sign a statement acknowledging their understanding of the terms of appropriate usage.
- 2) GBA supervisors should periodically review Blackberry records for excessive personal use and unusual usage patterns.
- 3) GBA should evaluate Blackberry assignments based on the employees’ job descriptions to determine if need is warranted and/or cost effective.

- 4) GBA should evaluate Blackberry usage plans agency wide to insure that the current plan is cost-effective.
- 5) GBA supervisors should ensure that employees are properly documenting leave/compensatory usage through established leave forms.
- 6) GBA supervisors should be required to periodically review the motor pool logs for excessive personal use, excessive mileage and unusual usage patterns.
- 7) GBA should periodically review Employees' Labor Detail Reports to assist them in monitoring and tracking productivity.
- 8) GBA should pursue training opportunities in the area of Workers' Comp for increased knowledge and understanding of the process. It is imperative that these training efforts extend to supervisors, division directors, human resources, legal staff, and all employees.
- 9) Human Resources should be more diligent in communicating with Workers' Comp staff, as well as with the injured employee, throughout the duration of a Workers' Comp claim. In addition, Human Resources should be diligent in documenting any initial communications with the injured employee regarding their Workers' Comp claim.
- 10) GBA should consider instituting a written practice where an "Implementation Team" consisting of supervisors, safety officials, Legal, Human Resources, and others in identified key roles within the agency, would be required to sign a form acknowledging that an employee has been placed in a restricted duty position. These concerned parties should act in unison while reviewing all aspects of the employee's job and responsibilities and make necessary adjustments to prevent further accident and limit liability.